



WISCONSIN REGULATORY DIGEST

A Publication of the
DEPARTMENT OF REGULATION AND LICENSING

Volume 4, No. 1 **FOR PRIVATE SECURITY PERSONS** **June, 2001**

Reminders to Private Security Personnel

1. You may not practice as a private security person until you have a permit. The Department advises employers to always insist on seeing the actual private security permit of a potential employee before putting the person to work. This continues to be a serious problem.
2. You or your employer must notify the Department when you leave the employment of a private security company and either transfer to the employment of another private security company or cease working as a private security person.
3. If you receive a firearms permit from the Department, you may only carry a firearm while on duty and in uniform.

PRIVATE SECURITY ADVISORY COMMITTEE

Members of the Committee:

Dennis J. Brewer (East Troy)
Byron Bishop (Madison)
Edward Byrne (Green Bay)
Dejustice Coleman (Milwaukee)
Matt Elliott (Sheboygan)
Mark Harder (Milwaukee)
Mark Kirch (Wauwatosa)
James Mankowski (Madison)
James H. Martin (Madison)
William Meloy (Chief of Police, Saukville)
Mark Riesinger (Wauwatosa)
Shawn Smith (Madison)

Administrative Staff:

Cletus J. Hansen

Executive Staff:

Oscar Herrera, Secretary
William Conway, Deputy Secretary
Myra Shelton, Executive Assistant

4. You may not carry a concealed weapon, unless you are a peace officer. If you violate this law, you can be charged with a Class A misdemeanor.

5. If you hold a firearms permit from the Department and carry a firearm while on duty as a private security person, you may not go armed in any building owned or leased by the state of Wisconsin or any political subdivision of the state. If you violate this law, you may be convicted of a Class B misdemeanor.

6. Ushers who do not have a private security permit may not have "security" on their uniform.

7. You must wear a uniform while on duty, except that a licensed private detective may provide private security in plain clothes.

8. When on duty, you must wear an ID or name tag that's clearly visible to the public.

Secretary Marlene Cummings Retires

Secretary Marlene Cummings retired from state service on February 25, 2001. She had served with Governor Thompson since the beginning of his administration and was one of his first cabinet appointments.

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Governor Thompson said Secretary Cummings had an extremely successful tenure that emphasized changes in the handling of disciplinary complaints and adopted innovative disciplinary procedures. Her innovations included an agency time-line for handling complaints, the use of mandated education and a procedure for managing professionals with drug and alcohol addictions.

Governor McCallum Appoints Herrera

Governor Scott McCallum announced on March 30, 2001, that he had appointed Oscar Herrera as the Secretary of the Department of Regulation and Licensing. Herrera has served sixteen years in state government including from 1999 to the time of his appointment as the Director of the Bureau of Minority Business Development in the Department of Commerce. From 1992 to 1998 he was the Director of the Wisconsin Coastal Management Program in the Department of Administration, and from 1985 to 1991 worked as a program and planning analyst with the Coastal Management Program. He was twice awarded the Department of Administration's Exceptional Performance Award.

Herrera was born and raised in Mexico City. He obtained a Bachelor's degree in Economics from the National University of Mexico and a Master's degree in Agricultural Economics from the University of Chapingo in Mexico. He also attended the University of Wisconsin-Madison where he obtained a Master's degree in Continuing and Vocational Education and completed Doctoral studies (Ph.D.abd) in Development.

Failure to Pay Child Support

Failure to pay court-ordered child support may result in the suspension or non-renewal of professional licenses.

Recently-enacted Wisconsin laws give local child support agencies the ability to request suspension or denial of licenses of people whose names appear on the Child Support Lien Docket and who owe more than \$1,000 or three months' worth of child support.

Past-due child support creates a lien against all of a payer's titled property. The lien is entered into Wisconsin's Child Support Lien Docket when past-due support reaches a specified threshold. In January 2001, the threshold amount was \$20,000 in past-due support.

Child support agencies will notify payers at the time their names are added to the Child Support Lien Docket and prior to initiating license suspension action. Satisfaction (payment in full) of the child

support lien, or entering into and complying with a plan to pay off the past-due support, will halt license suspension action.

For more information about Child Support Liens and license suspension, please contact your local child support agency.

Licensing Statistics

The number of active permit holders and licensees, as of May 3, 2001, is:

Private Security Persons - 7,295

Private Detective Agencies - 551

Note: There is no separate license for private security companies. They must be licensed as private detective agencies.

Complaints Against Private Security Persons

Complaint Statistics (1/1/00 to 11/14/00)

Complaints Received – 47

Complaints Closed After Screening – 22

Complaints Closed After Investigation – 20

Complaints Closed With Discipline - 12

Note: The number of complaints closed includes complaints received prior to 2000.

The Department's Division of Enforcement receives many complaints regarding conviction of crimes by private security personnel and regarding persons who provide security services without the required private security permit. Other complaints relate to unprofessional conduct. Some unlicensed practice complaints involve companies that place new private security personnel on duty before they have received the required private security permit from the Department. Other complaints involve persons who are not working for a licensed private security company, but are simply finding work on their own and working as private security persons. The Department has assured the Private Security Advisory Committee that it will make such unlicensed practice cases a higher priority.

A particular problem that the Department has encountered is the lack of truthfulness about convictions and arrests on application forms. Many applicants either have forgotten about some of their convictions, have been confused about whether a certain criminal action was a criminal conviction or have simply lied on their application. Some have informed us that their employer told them to simply answer "no" on the application form. Many cases have been referred by staff to the Division of Enforcement, because the Wisconsin Crime Information Bureau or the FBI criminal records check showed that the applicants had been convicted of crimes, even though the applicants stated that they had not been convicted.

One of the responses of the Department to this problem has been to only grant a **temporary permit** to an out-of-state applicant and to not grant a regular permit until after having received the FBI criminal records check. Many applications for a private security permit are denied, because the applicant has been convicted of serious or multiple convictions substantially related to the practice of private security and because the applicant untruthfully answered the questions concerning convictions on the application form.

Fingerprint Cards

The Department has run across 2 problems with fingerprint cards sent with application forms. One problem is that the prints are very badly rolled. The prints are not clear, they are out of sequence or they are not complete. Another problem is that some private security companies use a yellow or light green highlighter pen to show employees what information must be filled in on the fingerprint card. If the FBI cannot read the fingerprints because of poor quality or because of the use of a highlighter pen, they will send the cards back to us and we will send them back to you. If anyone uses a highlighter pen on a card, the FBI will return the card and a new card will have to be submitted.

Private Security Advisory Committee

The Private Security Advisory Committee discussed the pros and cons of basic training for private security personnel and the public's perception of the role of an individual in a uniform. The Committee made the following recommendations to the Secretary of the Department:

MOTION: Dennis Brewer moved, seconded by Jim Mankowski, to require a minimum of 8 hours to cover basic training for private security persons within the first 90-days of training, with the following contents: introduction to security; standards of conduct, dress, and behavior; legal aspects of security; report writing; safety and fire detection; patrol procedures; when and how to notify public authority; and human relations. Motion carried unanimously.

MOTION: Edward Byrne moved, seconded by William Meloy, that at the next meeting the Committee address the issue of monitoring and reporting compliance and accountability with regards to mandatory minimum training of basic state licensed security guards. Motion carried unanimously.

MOTION: Mark Kirch moved, seconded by Shawn Smith, to require a minimum of 8 hours of training be completed and reported to the Department of Regulation and Licensing before a conditional permit can be changed to a regular permit and a person who has a temporary permit would have to complete that training during the temporary permit period before they can receive a regular permit. Motion carried unanimously.

Disciplinary Actions

INTERNATIONAL TOTAL SERVICES INC.

**d/b/a ITS SECURITY
MILWAUKEE WI**

**REPRIMAND/
LIMITED/FORFEITURE**

Employed a significant number of personnel to perform as security guards who were without permits to perform as security guards in Wisconsin. Pay forfeiture of \$1,400.00. Effective 3/6/2001. Sec. 440.26(6)(a)4.,(8), Stats. RL 35.01(13) Case #LS0103061RSG

**RESPONSE SECURITY INC
LITTLE CHUTE WI**

**REPRIMAND/
LIMITED/COSTS**

Employed at least 3 individuals as private security guards when they were not licensed. \$300.00 costs. Effective 1/10/2001. Sec. 440.26(6)(a)4. & (8), Stats. RL 35.01(13) Case #LS0101101RSG

KURTIS L COLBERT

MILWAUKEE WI

REPRIMAND/COSTS

In completing an application for a conditional private security permit he incorrectly indicated he had used no other name or been arrested under another name. He failed to provide on the application a full and complete history of his arrests and criminal convictions. Costs of \$100.00. Complete 10 hours of continuing education. Effective 2/22/2001. Sec. 440.26(6)(a)3., Stats. Case #LS0102221RSG

TIMOTHY D MCALLISTER

LUMBER BRIDGE NC

REVOKED

Convicted of felony crimes in the state of North Carolina – Conspiracy to Commit Burglary and Breaking and Entering, Larceny. Conditional private security permit revoked. Effective 1/24/2001. Sec. 440.26(5m)2., Stats.

JOSEPH D LYNCH

JANESVILLE WI

REVOKED

Failed to file quarterly reports with the department providing information concerning his employment, arrest and conviction record, job performance and compliance with terms of his probation. Limited private security guard permit revoked. Effective 3/22/2001. Case #LS0103221RSG

RONNIE L SETTLES

MILWAUKEE WI

REVOKED

Convicted of felony crimes in the state of North Carolina – Breaking and Entering and Breaking and Entering and Larceny-7 counts. Conditional private security permit revoked. Effective 3/28/2001. Sec. 440.26(5m)2., Stats. Case #LS0103281RSG

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After dialing this number you may listen to a menu or you may immediately press one of the following extension numbers:

| | |
|--|---------------------|
| Application Forms | Press 11 |
| Complaints Against Licensees | Press 12 |
| Whether A Person is Licensed | Press 442 |
| Application Processing & Requirements | Press 43 |
| Changes of Employment | Press 43 |
| FAX Number | 608-267-3816 |

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to dorl@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April 2001.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided, but may be verified by calling the Bureau office one week after mailing the changes.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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